

List of Codifier's Corrections in SB 1044

| Bill Section | Code Section/Chapter | Page/Line Numbers | Codifier's Corrections | Related 2022 Legislation |
|--------------|---|-------------------------------|--|--|
| 1 | 9-203 | p. 4, ll. 16, 28, 29, 33 | Renumbering | HB 699, SB 1332 |
| 2 | 14-510 | p. 5, l. 28 | Removes surplus punctuation (period) | N/a |
| 3 | 15-2-801 | p. 6, l. 33 | Removes surplus word ("the") | N/a |
| 4 | 18-8807 | p. 7, l. 33 | Removes surplus numbers (8803 8804) | SB 1309, SB 1335, SB 1358 |
| 5 | 22-2726 | p. 8, l. 19 | Provides correct code reference | N/a |
| 6 | 33-4302 | p. 8, l. 41 | Removes surplus word ("has") | HB 461, HB 506 |
| 7 | 34-106 | p. 11, l. 4 | Provides correct code reference | HB 532 |
| 8 | 34-219 (Judicial Review of Election Results) | p. 12, l. 20 | Redesignates the code section to 34-220 | HB 532, HB 548 Both of these bills added a Section 34-219, so one needs to be redesignatd |
| 9 | 34-701 | p. 13, ll. 11, 18 | Renumbering | HB 548, HB 810, SB 1273 |
| 10 | 39-414 | p. 13, l. 45 | Removes surplus punctuation (comma) | N/a |
| 11 | 39-414A | p. 15, ll. 6-7 | Removes sentence fragment | N/a (HB 73 and HB 316, 2021) |
| 12 | Chapter 97, Title 39 (Essential Caregivers) | p. 15, ll. 11, 13, 30, 34 | Redesignates the chapter to Chapter 98, Title 39 | HB 660, SB 1270, SB 1353 Each of these bills added a Chapter 97, so two of the chapters need to be redesignated |
| 13 | Chapter 97, Title 39 (Down Syndrome Diagnosis) | p. 16, ll. 13, 15, 17, 33, 40 | Redesignates the chapter to Chapter 99, Title 39 | HB 660, SB 1270, SB 1353 (see above) |
| 14 | 49-2444 | p. 21, l. 7 | Renumbering | HB 527, SB 1268 |

| Bill Section | Code Section/Chapter | Page/Line Numbers | Codifier's Corrections | Related 2022 Legislation |
|---------------------|--|--|---|--|
| 15 | 54-1705 | pp. 21-27 | Renumbering | HB 562, SB 1245 |
| 16 | 54-2918A | p. 27, ll. 29-30 | Adds caption | HB 664 |
| 17 | 54-5207 | p. 44, l. 11 | Removes surplus letter ("b") | SB 1296 |
| 18 | 54-5802 | p. 45, ll. 8, 25; p. 46, l. 36; p. 47, ll. 9, 14, 22 | Provides correct code references; removes surplus word ("Idaho"); renumbering | HB 762, SB 1296, SB 1354 |
| 19 | 54-5805 | p. 48, l. 20 | Provides correct code reference | HB 762 |
| 20 | 54-616 (Water Rights) | p. 48, l. 24 | Redesignates the section to 56-617 | HB 748, SB 1240 Each of these bills added a Section 54-616, so one needs to be redesignated |
| 21 | Chapter 17, Title 56 (Extended Employment Services) | p. 49, ll. 8, 10; p. 50, ll. 9, 24; p. 51, l. 30; p. 53, l. 20 | Redesignates the chapter to Chapter 18, Title 56 | HB 756, SB 1399 Each of these bills added a Chapter 17, so one of the chapters needs to be redesignated |
| 22 | 57-811 | p. 54, ll. 19, 23, 27 | Renumbering | HB 436, HB 509, HB 735 |
| 23 | 59-1303 | p. 55, l. 12 | Renumbering | HB 499, HB 589 |
| 24 | 67-2922 | p. 56, l. 46; p. 57, l. 33 | Corrects typo ("my" to "may"); corrects grammar ("has" to "have") | SB 1378 |
| 25 | 67-4304 | p. 58, ll. 5, 8 | Corrects spelling of Pend Oreille | N/a |
| 26 | 67-4305 | p. 58, l. 23 | Corrects spelling of Pend Oreille | N/a |
| 27 | 67-4306 | p. 58, l. 35 | Corrects spelling of Pend Oreille | N/a |
| 28 | 67-5303 | p. 59, l. 44 | Removes surplus word ("onetime") | HB 594, SB 1258 |
| 29 | 67-5308 | p. 61, l. 11 | Corrects grammar (Inserts "the" before "governor") | HB 594 |
| 30 | 74-105 | p. 65, l. 1 | Renumbering | HB 621, HB 658 |

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 699

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO EVIDENCE; AMENDING SECTION 9-203, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT DISCLOSURE OF CERTAIN COMMUNICATIONS, TO PROVIDE EXCEPTIONS, TO PROVIDE THAT CERTAIN DISCLOSURES ARE SUBJECT TO THE RULES OF THE IDAHO SUPREME COURT, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

(1-) A husband cannot be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this exception apply to any case of physical injury to a child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, nor does this exception apply to any case of lewd and lascivious conduct or attempted lewd and lascivious conduct where either party would otherwise be protected by this privilege.

(2-) An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon, in the course of professional employment. The word client used herein shall be deemed to include a person, a corporation or an association.

(3-) A clergyman or priest cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

(4-) A physician or surgeon cannot, without the consent of his patient, be examined in a civil action as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient, provided, however, that:

(Aa) Nothing herein contained shall be deemed to preclude physicians from reporting of and testifying at all cases of physical injury to children, where it appears the injury has been caused as a result of physical abuse or neglect by a parent, guardian or legal custodian of the child.

(Bb) Nothing herein contained shall be deemed to preclude physicians from testifying at all cases of physical injury to a person where it appears the injury has been caused as a result of domestic violence.

(Cc) After the death of a patient, in any action involving the validity of any will or other instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property or incurring any financial obligation, such physician or surgeon may testify to the mental or physical condition of such patient and in so testifying may disclose information acquired by him concerning such patient which was necessary to enable him to prescribe or act for such deceased.

(Dd) ~~That~~ Where any person or his heirs or representatives brings an action to recover damages for personal injuries or death, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said injured or deceased person and whose testimony is material in the action may testify.

(Ee) ~~That~~ If the patient be dead and during his lifetime had not given such consent, the bringing of an action by a beneficiary, assignee or payee or by the legal representative of the insured, to recover on any life, health or accident insurance policy, shall constitute a consent by such beneficiary, assignee, payee or legal representative to the testimony of any physician who attended the deceased.

(5-) A public officer cannot be examined as to communications made to him in official confidence, when the public interests would suffer by disclosure.

(6-) Any certificated counselor, psychologist or psychological examiner, duly appointed, regularly employed and designated in such capacity by any public or private school in this state for the purpose of counseling students, shall be immune from disclosing, without the consent of the student, any communication made by any student so counseled or examined in any civil or criminal action to which such student is a party. Such matters so communicated shall be privileged and protected against disclosure.

(7-) Any parent, guardian or legal custodian shall not be forced to disclose any communication made by their minor child or ward to them concerning matters in any civil or criminal action to which such child or ward is a party. Such matters so communicated shall be privileged and protected against disclosure; excepting, this section does not apply to a civil action or proceeding by one against the other nor to a criminal action or proceeding for a crime committed by violence of one against the person of the other, nor does this section apply to any case of physical injury to a minor child where the injury has been caused as a result of physical abuse or neglect by one or both of the parents, guardians or legal custodians.

(8) (a) As used in this subsection:

(i) "First responder" means:

1. A peace officer as defined in section 19-5101(d), Idaho Code, when employed by a city, county, or the Idaho state police;

2. A firefighter as defined in section 59-1302(16), Idaho Code;

1 3. A volunteer emergency responder as defined in section
2 72-102(31), Idaho Code;

3 4. An emergency medical service (EMS) provider certi-
4 fied by the department of health and welfare pursuant to
5 sections 56-1011 through 56-1018B, Idaho Code, and an am-
6 bulance-based clinician as defined in the rules governing
7 emergency medical services as adopted by the department of
8 health and welfare; and

9 5. An emergency communications officer as defined in sec-
10 tion 19-5101(f), Idaho Code.

11 (ii) "Peer support counseling session" means a meeting conducted
12 by a peer support specialist, which meeting is held in response to
13 a critical incident, traumatic event, or other personal or profes-
14 sional wellness issue.

15 (iii) "Peer support specialist" means a person designated by a
16 public agency employing first responders to lead, moderate, or
17 assist in a peer support counseling session.

18 (b) Any peer support specialist or participant in a peer support coun-
19 seling session cannot disclose and shall not be forced to disclose a
20 communication made during or arising out of a peer support counseling
21 session without the consent of the person who made the communication or
22 about whom the communication was made, unless the communication:

23 (i) Involves a threat of suicide or a threat to commit a criminal
24 act;

25 (ii) Involves information required by law to be reported; or

26 (iii) Is an admission of criminal conduct.

27 (c) Any disclosure permitted by paragraph (b) of this subsection that
28 is made during or as part of court proceedings is subject to the rules of
29 the Idaho supreme court.

30 SECTION 2. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after its
32 passage and approval.

IN THE SENATE

SENATE BILL NO. 1332

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO WITNESSES; AMENDING SECTION 9-203, IDAHO CODE, TO PROVIDE FOR
CONFIDENTIAL RELATIONS AND COMMUNICATIONS FOR EMPLOYEES AND VOLUNTEERS
AT A DOMESTIC OR SEXUAL VIOLENCE PROGRAM IN CERTAIN INSTANCES, TO PRO-
VIDE CERTAIN EXEMPTIONS, TO DEFINE TERMS, AND TO MAKE TECHNICAL CORREC-
TIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby
amended to read as follows:

9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particu-
lar relations in which it is the policy of the law to encourage confidence and
to preserve it inviolate; therefore, a person cannot be examined as a witness
in the following cases:

1. A husband cannot be examined for or against his wife, without her
consent, nor a wife for or against her husband, without his consent; nor can
either, during the marriage or afterwards, be, without the consent of the
other, examined as to any communication made by one to the other during the
marriage; but this exception does not apply to a civil action or proceeding
by one against the other nor to a criminal action or proceeding for a crime
committed by violence of one against the person of the other, nor does this
exception apply to any case of physical injury to a child where the injury has
been caused as a result of physical abuse or neglect by one or both of the par-
ents, nor does this exception apply to any case of lewd and lascivious con-
duct or attempted lewd and lascivious conduct where either party would oth-
erwise be protected by this privilege.

2. An attorney cannot, without the consent of his client, be examined as
to any communication made by the client to him, or his advice given thereon,
in the course of professional employment. The word client used herein shall
be deemed to include a person, a corporation or an association.

3. A clergyman or priest cannot, without the consent of the person mak-
ing the confession, be examined as to any confession made to him in his pro-
fessional character in the course of discipline enjoined by the church to
which he belongs.

4. A physician or surgeon cannot, without the consent of his patient,
be examined in a civil action as to any information acquired in attending
the patient which was necessary to enable him to prescribe or act for the pa-
tient, provided, however, that:

(A) Nothing herein contained shall be deemed to preclude physicians
from reporting of and testifying at all cases of physical injury to
children, where it appears the injury has been caused as a result of
physical abuse or neglect by a parent, guardian or legal custodian of
the child.

1 (B) Nothing herein contained shall be deemed to preclude physicians
2 from testifying at all cases of physical injury to a person where it ap-
3 pears the injury has been caused as a result of domestic violence.

4 (C) After the death of a patient, in any action involving the valid-
5 ity of any will or other instrument executed, or claimed to have been
6 executed, by him, conveying or transferring any real or personal prop-
7 erty or incurring any financial obligation, such physician or surgeon
8 may testify to the mental or physical condition of such patient and in so
9 testifying may disclose information acquired by him concerning such pa-
10 tient which was necessary to enable him to prescribe or act for such de-
11 ceased.

12 (D) ~~That w~~Where any person or his heirs or representatives brings an
13 action to recover damages for personal injuries or death, such action
14 shall be deemed to constitute a consent by the person bringing such ac-
15 tion that any physician who has prescribed for or treated said injured
16 or deceased person and whose testimony is material in the action may
17 testify.

18 (E) ~~That i~~If the patient be dead and during his lifetime had not given
19 such consent, the bringing of an action by a beneficiary, assignee or
20 payee or by the legal representative of the insured, to recover on any
21 life, health or accident insurance policy, shall constitute a consent
22 by such beneficiary, assignee, payee or legal representative to the
23 testimony of any physician who attended the deceased.

24 5. A public officer cannot be examined as to communications made to him
25 in official confidence, when the public interests would suffer by disclo-
26 sure.

27 6. Any certificated counselor, psychologist or psychological exam-
28 iner, duly appointed, regularly employed and designated in such capacity
29 by any public or private school in this state for the purpose of counseling
30 students, shall be immune from disclosing, without the consent of the stu-
31 dent, any communication made by any student so counseled or examined in any
32 civil or criminal action to which such student is a party. Such matters so
33 communicated shall be privileged and protected against disclosure.

34 7. Any parent, guardian or legal custodian shall not be forced to
35 disclose any communication made by their minor child or ward to them con-
36 cerning matters in any civil or criminal action to which such child or ward
37 is a party. Such matters so communicated shall be privileged and protected
38 against disclosure; excepting, this section does not apply to a civil action
39 or proceeding by one against the other nor to a criminal action or proceeding
40 for a crime committed by violence of one against the person of the other, nor
41 does this section apply to any case of physical injury to a minor child where
42 the injury has been caused as a result of physical abuse or neglect by one or
43 both of the parents, guardian or legal custodian.

44 8. A person employed by or volunteering at a nongovernmental domestic
45 or sexual violence program shall not, without the written and signed consent
46 of the recipient of services, be required to or compelled to disclose any
47 communication made between the person in the course of employment or volun-
48 teer services for the domestic or sexual violence program and a recipient of
49 the program's services or to disclose information or records about a recip-
50 ient of the services of a domestic or sexual violence program, provided that

1 disclosure of communications during or as part of court proceedings is sub-
2 ject to the rules of the Idaho supreme court. The provisions of this subsec-
3 tion shall not apply to communications made to a provider or employee during
4 medical services, medical procedures, medical exams, medical evaluations,
5 or forensic interviews.

6 9. For purposes of this section:

7 (A) "Recipient" means any individual who has received or inquired about
8 receiving services or assistance from a domestic or sexual violence
9 program, including shelter, advocacy, counseling, or other services
10 offered by a domestic or sexual violence program.

11 (B) "Domestic or sexual violence program" means any nonprofit or-
12 ganization, nongovernmental organization, private entity, or tribe
13 or tribal organization that has as its primary purpose the operation
14 of shelters or supportive services for victims of domestic or sexual
15 violence and their dependents or counseling, advocacy, or self-help
16 services to victims of domestic or sexual violence.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after
19 July 1, 2022.



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES
CHAPTER 17
PHARMACISTS

54-1705. DEFINITIONS. In this chapter:

(1) "Accredited school or college of pharmacy" means a school or college that meets the minimum standards of the accreditation council for pharmacy education and appears on its list of accredited schools or colleges of pharmacy.

(2) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(3) "Certificate" means a license or registration issued by the board unless specifically stated.

[(4)](3)(5) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of such drugs to a group of chain pharmacies that have the same common ownership and control.

[(5)](4)(6) "Colicensed partner or product" means an instance where two (2) or more parties have the right to engage in the manufacturing or marketing of a prescription drug, consistent with the federal food and drug administration's implementation of the prescription drug marketing act.

[(6)](7) "Collaborative pharmacy practice" means a pharmacy practice where one (1) or more pharmacists or pharmacies jointly agree to work under a protocol authorized by one (1) or more prescribers to provide patient care and drug therapy management services not otherwise permitted to be performed by a pharmacist under specified conditions.

[(7)](5)(8) "Compounding" means the practice in which a pharmacist, a prescriber, or, in the case of an outsourcing facility, a person under the supervision of a pharmacist combines, mixes or alters ingredients of a drug to create a medication tailored to the needs of an individual patient.

[(8)](6)(9) "Counseling" or "counsel" means the effective communication by the pharmacist of information, as set out in this chapter, to the patient or caregiver in order to improve therapeutic outcomes by maximizing proper use of prescription drugs and devices.

[(9)](7)(10) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

[(10)](8)(11) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article, including any component part or accessory that is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

[(11)](9)(12) "Dispense" or "dispensing" means the preparation and delivery of a drug pursuant to a lawful prescription drug order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription.

[(12)](10)(13) "Distribute" means the delivery of a drug other than by administering or dispensing.

[(13)](14) "Distributor" means a supplier of drugs manufactured, produced, or prepared by others to persons other than the ultimate consumer.

[(14)](15) "Donation repository" means:

(a) A community health center as defined in section 39-3203, Idaho Code;

(b) A free medical clinic as defined in section 39-7702, Idaho Code;

(c) A designated regional behavioral health center as described in chapter 31, title 39, Idaho Code;

(d) A state charitable institution as described in chapter 1, title 66, Idaho Code; or

(e) A drug outlet as defined in this section.

[(15)](11)(16) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animal; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

[(16)](12)(17) "Drug outlet" means a resident or nonresident pharmacy, business entity or other facility subject to registration by the board, pursuant to section 54-1729, Idaho Code, where employees or personnel are engaged in the practice of pharmacy, in the provision of pharmaceutical care, or in the dispensing, delivering, distributing or manufacturing of drugs or devices in or into Idaho.

[(17)](18) "Drug therapy management" means selecting, initiating, or modifying drug treatment pursuant to a collaborative pharmacy practice agreement.

[(18)](19) "Epinephrine auto-injector" means a single-use device for the automatic injection of a premeasured dose of epinephrine into the human body.

[(19)](13)(20) "Institutional drug order" means a prescription drug order issued in the unique form and manner permitted for a patient or resident of an institutional facility or as permitted for other purposes as defined in rule. Unless specifically differentiated, state law applicable to a prescription drug order is also applicable to an institutional drug order.

[(20)](14)(21) "Institutional facility" means a facility whose primary purpose is to provide a physical environment for patients to obtain health care services and in which patients spend a majority of their time, as may be further defined by board rule.

[(21)](15)(22) "Internship" means a practical experience program under the supervision of a preceptor.

[(22)](16)(23) "Investigational or new drug" means any drug limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

[(23)](17)(24) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive however of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law.

[(24)](18)(27) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering, dispensing or, as authorized by board rule, distributing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching, or chemical analysis and not for sale.

[(25)](19)(28) "Manufacturer" means a person who is licensed or approved by the federal food and drug administration to engage in the manufacture of drugs, including a colicensed partner or affiliate of that person, who compounds, cultivates, derives, harvests, mixes, or by other process produces or prepares legend drugs and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

[(26)](29) "Medically indigent patient" means a resident of Idaho who:

(a) Is not eligible for medicaid or medicare;

(b) Cannot afford private prescription drug insurance; or

(c) Does not have income and other resources available sufficient to pay for a legend drug.

[(27)](30) "Multistate license" means a license, registration, or other credential for the practice of pharmacy issued by the pharmacy licensing agency of a state.

[(28)](31) "Multistate licensee" means a multistate pharmacist, multistate pharmacist intern, or multistate technician.

[(29)](32) "Multistate pharmacist" means a nonresident pharmacist who is licensed by a party state and is not otherwise licensed by the board.

[(30)](33) "Multistate pharmacist intern" means a nonresident pharmacist intern who is registered by a party state and is not otherwise licensed by the board.

[(31)](34) "Multistate practice of pharmacy" means the practice of pharmacy in or into Idaho, for a patient located in Idaho, by a multistate licensee, pursuant to the requirements of this section and the terms of a mutual recognition agreement.

[(32)](35) "Multistate technician" means a nonresident technician who is licensed by a party state and is not otherwise registered by the board.

[(33)](36) "Mutual recognition agreement" means a written agreement entered into between the board and a party state allowing for the multistate practice of pharmacy, subject to the requirements of this section and any other reasonable and supplemental contract terms negotiated by the board and the party state.

[(34)](20)(37) "Nonprescription drugs" means medicines or drugs that may be sold without a prescription drug order and that are prepackaged for use by the consumer and labeled in accordance with state and federal law.

[(35)](21)(38) "Nonresident" means a person or business entity located in the District of Columbia or a state or territory other than Idaho that practices pharmacy including, but not limited to, pharmaceutical care services into Idaho.

[(36)](22)(39) "Off-site pharmacy services" means services provided by a central drug outlet or an off-site pharmacist or technician. Services may include, but are not limited to: processing a request from another pharmacy to fill, refill or dispense a prescription drug order; performance of processing functions; or providing cognitive or pharmaceutical care services. Each function may be performed by the same or different persons and at the same or different locations.

[(37)](40) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

[(38)](23)(41) "Outsourcing facility" means a pharmacy or facility that is registered by the federal food and drug administration pursuant to 21 U.S.C. 353b and either registered or endorsed by the board.

[(39)](42) "Party state" means any pharmacy licensing agency of a state that has entered into a mutual recognition agreement with the board.

[(40)](24)(43) "Person" means an individual, corporation, partnership, association or any other legal entity.

[(41)](25)(44) "Person in charge" or "PIC" means a person whose qualifications, responsibilities, and reporting requirements are defined in rule.

[(42)](26)(45) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

[(43)](27)(46) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory or the District of Columbia and is engaged in the practice of pharmacy into Idaho, unless exempted.

[(44)](28)(47) "Pharmacist intern" means a person who is enrolled in or who has completed a course of study at an accredited school or college of pharmacy and is registered with the board as a pharmacist intern prior to commencement of an internship.

[(45)](29)(48) "Pharmacy" means any drug outlet, facility, department, or other place where prescription drug orders are filled or compounded and prescriptions are sold, dispensed, offered, or displayed for sale and that has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare, and safety of the public.

[(46)](49) "Practice of pharmacy" means the safe interpretation, evaluation, compounding, administration, and dispensing of prescription drug orders, patient counseling, collaborative pharmacy practice, provision of pharmaceutical care services, proper storage of drugs and devices, and prescribing of drugs and devices as may be further defined in this chapter.

[(47)](30)(50) "Practitioner" means a person licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.

[(48)](31)(51) "Preceptor" means a pharmacist or other health professional licensed and in good standing who supervises the internship training of a registered pharmacist intern.

[(49)](32)(52) "Precursor" means a substance, other than a legend drug, that is an immediate chemical intermediate that can be processed or synthesized into a legend drug and is used or produced primarily for use in the manufacture of a legend drug.

[(50)](53) "Prepackaging" means the act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order.

[(51)](33)(54) "Prescriber" means an individual currently licensed, registered or otherwise authorized to prescribe and administer drugs in the course of professional practice.

[(52)](34)(55) "Prescriber drug outlet" means a drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples, patient assistance program drugs, or investigational drugs as permitted in chapter 94, title 39, Idaho Code.

[(53)](35)(56) "Prescription drug or legend drug" means a drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements:

- (a) "Caution: Federal law prohibits dispensing without a prescription"; or
- (b) "Rx Only"; or
- (c) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian";

or a drug that is required by any applicable federal or state law or rule to be dispensed on prescription drug order only or is restricted to use by practitioners only.

[(54)](36)(57) "Prescription drug order" means a valid order of a prescriber for a drug or device for an ultimate user of the drug or device.

[(55)](58) "Primary state of residence" means the multistate licensee's declared primary state of residence as evidenced by a valid state or federal identification card with a home address or another form of identification accepted by the board.

[(56)](37)(59) "Prospective drug review" includes, but is not limited to, the following activities:

(a) Evaluation of the prescription drug order for known allergies, rational therapy contraindications, reasonable dose and route of administration, and reasonable directions for use;

(b) Evaluation of the prescription drug order for duplication of therapy;

(c) Evaluation of the prescription drug order for drug, food, or disease interactions; and

(d) Evaluation of the prescription drug order for proper utilization.

[(57)](60) "Qualified donor" means:

(a) Any entity that meets the definition of "donation repository" as provided in this section; or

(b) Any member of the public in accordance with section 54-1762, Idaho Code.

[(58)](38)(61) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects that are used in any way in connection with the purchase, sale or handling of any drug or device.

[(59)](39)(62) "Repackage" means repackaging or otherwise changing the container, wrapper, or labeling to further the distribution of a prescription drug, excluding such actions when completed by the pharmacist responsible for dispensing product to the patient.

[(60)](40)(63) "Reverse distributor" means a drug outlet that receives nonsalable prescription drugs from persons or their agents, who may lawfully possess prescription drugs without being issued a valid prescription drug order, and that processes for credit or disposes of such prescription drugs.

[(61)](41)(64) "Sale" means every sale and includes:

(a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;

(b) Exposure, offer, or any other proffer;

(c) Holding, storing or any other possession;

(d) Dispensing, giving, delivering or any other supplying; and

(e) Applying, administering or any other usage.

[(62)](65) "Technician" means an individual authorized by registration with the board to perform pharmacy support services under the direction of a pharmacist.

[(63)](42)(66) "Ultimate user" means a person who lawfully possesses a drug for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

[(64)](67) "USP" means United States pharmacopoeia.

[(65)](43)(68) "Veterinary drug outlet" means a prescriber drug outlet that dispenses drugs or devices intended for animal patients.

[(66)](44)(69) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Drug returns, when conducted by a hospital, health care entity, or charitable institution in accordance with 21 CFR 203.23;

(b) The sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(c) The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business

of transporting prescription drugs when such common carrier does not store, warehouse, or take legal ownership of the prescription drug; or (d) The sale or transfer from a community pharmacy or chain pharmacy warehouse of expired, damaged, mispicked, returned, or recalled prescription drugs to the original manufacturer, original wholesaler, or third-party returns processor, including a reverse distributor.

[(67)](45)(70) "Wholesaler" means a person who, in the usual course of business, lawfully distributes drugs or devices in or into Idaho to persons other than the ultimate user.

History:

[54-1705, added 1979, ch. 131, sec. 3, p. 404; am. 1989, ch. 193, sec. 14, p. 483; am. 1992, ch. 179, sec. 2, p. 565; am. 1993, ch. 49, sec. 2, p. 126; am. 2000, ch. 103, sec. 1, p. 228; am. 2000, ch. 274, sec. 132, p. 866; am. 2002, ch. 26, sec. 1, p. 29; am. 2006, ch. 290, sec. 1, p. 888; am. 2008, ch. 51, sec. 1, p. 124; am. 2009, ch. 244, sec. 3, p. 749; am. 2011, ch. 135, sec. 2, p. 375; am. 2013, ch. 28, sec. 5, p. 53; am. 2013, ch. 270, sec. 1, p. 698; am. 2014, ch. 146, sec. 2, p. 392; am. 2015, ch. 28, sec. 1, p. 44; am. 2018, ch. 37, sec. 1, p. 77; am. 2019, ch. 161, sec. 10, p. 539; am. 2020, ch. 14, sec. 4, p. 43; am. 2021, ch. 54, sec. 2, p. 159; am. 2022, ch. 45, sec. 2, p. 124; am. 2022, ch. 178, sec. 1, p. 576.]

How current is this law?

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Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 39

HEALTH AND SAFETY

CHAPTER 4

PUBLIC HEALTH DISTRICTS

39-414A. AUDIT OF HEALTH DISTRICT FINANCES. It shall be the duty of each district board of health to cause to be made a full and complete audit of all the financial transactions of the health district no less frequently than every two (2) years. Such audit shall be in accordance with generally accepted auditing standards and procedures. The district board of health shall include all necessary expenses for such audit in its budget. [services office, pursuant to section 67-702, Idaho Code]

History:

[39-414A, added 1977, ch. 71, sec. 6, p. 140; am. 1982, ch. 134, sec. 1, p. 383; am. 1993, ch. 327, sec. 20, p. 1211; am. 2021, ch. 89, sec. 14, p. 308; am. 2021, ch. 336, sec. 6, p. 1024.]

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